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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,519

02/04/2005

Takako Araki

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23850 7590 06/22/2007

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON, DC 20006

EXAMINER

NGUYEN, LINH THI

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

06/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/523,519

Applicant(s)

ARAKI, TAKAKO

Examiner

Linh T. Nguyen

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/05/07 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsutsui et al (US Patent Number 5808983).

In regards to claim 1, Tsutsui et al discloses a disk playback device comprising a calculation processing circuit for determining an optimum value of offset for an error signal based on an amplitude value of the error signal in accordance with focus deviation or tracking deviation of an optical head or an amplitude value of an output

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signal of the optical head, and making an offset adjustment based on the optimum offset value (Fig. 1), the calculation processing circuit approximating to a quadratic curve the relationship between offset values and the amplitude values in signal reproduction (Fig. 2), and repeating calculation of the optimum offset values based on the quadratic curve, and comprising: calculation processing means for approximating to a quadratic curve the relationship between the offset values and the amplitude values with reference to three different offset values and three amplitude values at the respective offset values (Fig. 7, S0, S1 and Sn), and calculating an offset value corresponding to the peak of the quadratic curve as the optimum offset value (Fig. 7, center is the optimum value), and value setting means for setting the three different offset values (Fig. 1, element 43): a first offset value (Fig. 7, S1); a second offset value (Fig. 7, S0) smaller than the first offset value (S1) and having an amplitude value smaller than an amplitude value at the first offset (Fig. 7, R1 amplitude is greater than R0) value by a predetermined value or more; a third offset value (Fig. 7, Sn) greater than the first offset value (S1) and having an amplitude value smaller than an amplitude value at the first offset value by a predetermined value or more (Fig. 7, Rn amplitude is smaller than R1), and setting the three amplitude values respectively at three amplitude values at the first to third offset values (Fig. 7), the value setting means setting the first offset value at an optimum offset value obtained in a previous optimum offset value calculation processing, and setting the second and third offset values respectively at second and third offset values set in a previous optimum offset value calculation processing (Fig. 1, element 43), wherein a maximum of three amplitude values of a maximum of three different offset values need

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to be measured to determine the optimum offset value (Fig. 1, element 31) and the determination of said second and said third offset values does not require the determination of amplitude valued of at least five different offset values (Fig. 5 and Column 9, lines 46-51).

In regards to claim 2, applicant's admitted prior art discloses a disk playback device according to claim 1, wherein the calculation processing circuit comprises: first checking means for checking whether an amplitude value at the previous second offset value is smaller than an amplitude value at the previous optimum offset value by a predetermined value or more, second checking means for checking whether an amplitude value at the previous third offset value is smaller than an amplitude value at the previous optimum offset value by a predetermined value or more (Fig. 6, Steps 22 and 23), the value setting means comprising: second offset value setting means for retrieving an offset value having an amplitude value smaller than the amplitude value at the previous optimum offset value by a predetermined value or more (Fig. 6, steps s24 and s25) when the amplitude value at the previous second offset value is not found to be smaller than the amplitude value at the previous optimum offset value by a predetermined value or more, and setting a second offset value at the retrieved offset value (Fig. 6, steps s26 and s27), and third offset value setting means for retrieving an offset value having an amplitude value smaller than the amplitude value at the previous optimum offset value by a predetermined value or more when the amplitude value at the previous third offset value is not found to be smaller than the amplitude value at the

previous optimum offset value by a predetermined value or more, and setting a third offset value at the retrieved offset value (Fig. 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsui et al in view of Asano et al (US Publication Number 200400227947).

In regards to claim 3, applicant's admitted prior art discloses a disk playback device according to claim 1 or claim 2 above.

Applicant's admitted prior art does not but Asano et al discloses a disk playback device, wherein the disk playback device comprises temperature detection means for detecting a temperature of the disk, and the calculation processing circuit calculates the optimum offset value every time the disk is varied in temperature by a predetermined temperature value (Paragraph [0025] and [0026]). At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the disk playback device of Tsutsui et al to detect variation in temperature as taught by Asano et al. The motivation for doing so would have been so that signals can be reproduced with higher accuracy by correcting the optimum offset value in relationship with the temperature.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh T. Nguyen whose telephone number is 571-272-5513. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN

June 14, 2007

WAYNE YOUNG
SUPERVISORY PATENT EXAMINER

WAYNE YOUNG
SUPERVISORY PATENT EXAMINER